IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7453 OF 2005

Ganpat Bhiva Renose Applicant

versus

The State of Maharashtra Respondent

Mr.Rajan Salvi for applicant.

Mr.K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9th December 2005

PC :

1. Heard Shri Salvi for applicant and Shri Saste - APP for the State.

2. The applicant is accused no.1 in a complaint lodged by one Kavita Tanaji Shilimkar. This complaint is lodged at Mahad MIDC Police Station against the applicant and six others for offences punishable under sections 323, 363, 366-A, 376, 385 and 34 IPC and Sections 4 and 5 of the Prevention of Immoral Traffic Act. It is not in dispute that the investigation was also undertaken in this case upon the very same

complainant’s mother approaching the Police Station and complaining that her daughter is missing. That complaint was made in 2002. It appears from a reading of the report submitted by Mahad MIDC Police Station under signature of the then Assistant Police Inspector that complainant’s mother alleged that these girls are missing. The complainant has now alleged that the present applicant is responsible for firstly an act of rape, secondly blackmailing her thereafter and thirdly driving her to prostitution. At the relevant time the complainant and another girl Savita who was also missing, were studying in a school where the applicant was the Principal/Head Master. It is pertinent to note that when the missing complaint was lodged, the complainant’s mother had suspected the applicant herein and pursuant to the queries of the Investigating Machinery that when the complaint is of a girl who is missing since 2000, at no stage prior to the year 2002 the complainant’s mother pointed a finger at the applicant. It is stated in the report of the MIDC Police Station that the satisfactory answers could not be given by the said complainant. Now, the version of two girls who were married in between and thereafter left their matrimonial

homes, is as above.

3. There is substance in the contention of Shri Salvi that the entire case has peculiar background inasmuch the applicant had supported one Ashok Pande who is a political opponent of the then Sarpanch of this village. The said Sarpanch had been elected unopposed for a considerable number of years. However, as far as school premises are concerned, there were complaints that the Gram Panchayat has neglected the same. It is alleged that the applicant and the said Ashok Pande got together and collected some funds and repaired the school building. Thereafter the said Pande contested the post of Sarpanch and was elected. The present applicant had supported said Pande actively. Agitated by the role played by present applicant, the political opponent of Shri Pande has hatched conspiracy and implicated the applicant falsely in this case.

4. In my view, after reading of the application and the annexures thereto, as also the affidavit of the Deputy Superintendent of Police, Mangaon Division, District Raigad, although, serious offences are alleged against the applicant, above

facts and circumstances are not such as can be straight way brushed aside or ignored. It is not necessary to go into the merits or de-merits of the case set up by the applicant. The fact remains that the applicant now has retired as Head Master and is settled in another village. The applicant has been in custody for the past more than four months. There are no criminal antecedents. The applicant is a senior citizen and has undertaken not to enter the village Talia. The applicant resides at village Phalkewadi, Tal. Mahad which is at a distance of 20-25 kms.. He is also agreed to abide by such conditions as are imposed by this Court.

5. Therefore, the following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.32/2005 registered with Mahad MIDC Police Station, subject to furnishing a personal bond of Rs.5,000/- (Rs.Five thousand only) with one local solvent surety in the like sum;

(ii) the applicant shall not enter the village limits of Village Talia;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

6. Considering that the allegations are serious, the Trial Court shall make endeavour to dispose of the case expeditiously.

(S.C.DHARMADHIKARI, J.)